

REMARKS/ARGUMENTS

The specification has been corrected as required.

The claims have been amended better to point out that which Applicants regard as their invention and to overcome the rejections under the second paragraph of 35 U.S.C. § 112.

The Examiner questioned the phrase “metal alcolate and/ a metal chelate” and requested clarification. The claims have been changed to read “at least one of a metal alcolate and a metal chelate compound.”

Claims 10-19 were said to be indefinite for containing “no structure or description.” Claims 10-19 have been amended to read in Jepson format; it is believed that the claims as they read are proper.

A new dependent Claim 20 has been added specifying that the toner particle formation does not involve a nitrogen-containing compound. The new claim is based upon the disclosure at page 4, lines 28-29 and Comparative Example 2 on page 18.

The rejection of Claims 1-19 under 35 U.S.C. § 102 or alternatively under 35 U.S.C. § 103 over each of Ito et al. ‘815, Ong ‘794, and Urawa et al. ‘672, if applied to the claims as amended, is respectfully traversed.

Initially, Ito et al. ‘815 is not de jure prior art to the claims of the instant case, which was filed March 18, 2004. The 35 U.S.C. § 102(e) date of Ito et al. ‘815 is August 11, 2005, subsequent to the filing of the instant application. The publication does not constitute prior art. The rejection should be withdrawn.

Each of independent Claims 1, 2 and 7 now contains the phrase “the metal alcolate and the metal chelate compound having a reactivity with the polyester with an acid value.” This change is supported in the specification at least at page 6, lines 22-24 and page 7, lines 12-18.

The toner of the present invention is one prepared by a granulation process in an aqueous solvent; see Claims 1, 2, and 7. It is known that ionic compounds or compounds having a high polarity are typically used as charge controlling agents (CCAs). Such compounds are water soluble as are the metal alcoholate compounds and metal chelate compounds used to form the toner of the present invention. Should a toner be prepared by dissolving a toner composition containing such a CCA in an organic solvent and then granulating the toner composition liquid in an aqueous medium, the CCA will be dissolved into the aqueous medium.

In the case of a pulverization toner, in contrast, a variety of CCAs can be used for the toner unless the CCAs cause problems in the melt-kneading process (the dispersing process) and the pulverization process. Problems, however, may arise in the granulation process.

As a result of the present invention, even when a CCA which is known to be soluble in an aqueous medium when a granulating process is used, the CCA is prevented from being dissolved in the aqueous medium as a result of the reaction of the CCA with the carboxyl-functional group of the polyester resin in which the CCA is connected to the polyester resin using an ionic bond or a coordination bond or by crosslinking the CCA with the resin to impart a good anchor effect to the CCA. It is for this reason the claims specify that the metal alcoholate and the metal chelate compound have a reactivity with the polyester with an acid value. Accordingly, the CCA remains in the granulated toner particles. Neither of the remaining references teaches or suggests the same.

Ong '794 in Example IV shows a melt blending of a toner containing a polyester resin, a pigment, and a charge enhancing additive but the disclosure therein is in no fashion a teaching or suggestion of the specific type of toner formation recited in Claims 1, 2, and 7. The toner of the reference is not the toner of the present invention. The rejection should be withdrawn.

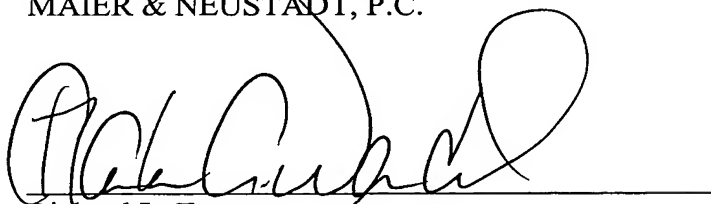
Likewise, Urawa et al. '672 at Example 4 shows a formulation including a polyester resin and a metal chelate of an alkali salicylic acid. The toner is but a blended physical mixture. There is no teaching or suggestion of the particular techniques required in the present claims and the rejection should be withdrawn as well.

The Examiner is thanked for acknowledging receipt of a certified copy of the priority document and also for listing references submitted with two Information Disclosure Statements.

In view of the foregoing revisions and remarks, it is respectfully submitted that Claims 1-20 are in immediate condition for allowance and a USPTO paper to those ends is earnestly solicited. The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Richard L. Treanor', is written over a horizontal line.

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